

## WILDLIFE CORRIDORS CONSERVATION ACT OF 2019

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OCTOBER 9, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

together with

### DISSENTING VIEWS

[To accompany H.R. 2795]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2795) to establish National Wildlife Corridors to provide for the protection and restoration of certain native fish, wildlife, and plant species, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Wildlife Corridors Conservation Act of 2019”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

#### TITLE I—NATIONAL WILDLIFE CORRIDOR SYSTEM ON FEDERAL LAND AND WATER

- Sec. 101. National Wildlife Corridors.
- Sec. 102. Administrative designation of National Wildlife Corridors.
- Sec. 103. Management of National Wildlife Corridors.
- Sec. 104. Collaboration and coordination.
- Sec. 105. Effect.

#### TITLE II—TRIBAL WILDLIFE CORRIDORS

- Sec. 201. Tribal Wildlife Corridors.
- Sec. 202. Protection of Indian tribes.

## TITLE III—WILDLIFE MOVEMENT GRANT PROGRAM ON NON-FEDERAL LAND AND WATER

- Sec. 301. Wildlife movement grant program.  
 Sec. 302. National Coordination Committee.  
 Sec. 303. Regional wildlife movement councils.

## TITLE IV—NATIONAL WILDLIFE CORRIDORS DATABASE

- Sec. 401. National wildlife corridors database.

## TITLE V—FUNDING

- Sec. 501. Wildlife Corridors Stewardship Fund.  
 Sec. 502. Working landscapes.  
 Sec. 503. Authorization of appropriations.

**SEC. 2. FINDINGS AND PURPOSES.**

## (a) FINDINGS.—Congress finds that—

(1) the native fish, wildlife, and plant species in the United States are part of a rich natural heritage and an important legacy to pass on to future generations;

(2) the populations of many native fish, wildlife, and plant species in the United States are in decline;

(3) scientists estimate that 1 in 5 animal and plant species in the United States is at risk of extinction, and many species are declining in numbers;

(4) threats to the survival and diversity of many native fish, wildlife, and plant species in the United States include the loss, degradation, fragmentation, and obstruction of natural habitats;

(5) climate change threatens native fish, wildlife, and plant species;

(6) the 2019 global assessment report from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services found that—

(A) 1,000,000 wildlife and plant species worldwide are now threatened with extinction; and

(B) 75 percent of the land-based environment, and approximately 66 percent of the marine environment, have been significantly altered by human actions;

(7) the conservation of new and existing landscape and seascape corridors, through which native species can transition from 1 habitat to another, plays an important role in helping—

(A) to conserve native biodiversity; and

(B) to ensure resiliency against impacts from a range of biotic and abiotic stressors;

(8) the conservation, restoration, and establishment of new ecological connections to facilitate the movement of species into more suitable habitats is a key climate change adaptation strategy;

(9) the protection of new and existing corridors is often one of the first steps in restoration and recovery planning;

(10) States have recognized the importance of habitat connectivity, including—

(A) a New England Governors and Eastern Canadian Premiers' Conference on the importance of connectivity for ecosystem adaptability and resilience, biodiversity, and human communities; and

(B) past Western Governors' Association policy resolution;

(11) the strategic plan of the United States Fish and Wildlife Service to respond to accelerating climate change entitled "Rising to the Urgent Challenge" acknowledges that "processes such as pollination, seed dispersal, nutrient cycling, natural disturbance cycles, predator-prey relations, and others must be part of the natural landscapes we seek to maintain or restore . . . and are likely to function more optimally in landscapes composed of large habitat blocks connected by well-placed corridors";

(12) Federal and State agencies continue to develop policies to address—

(A) the importance of conserving fish, wildlife, and plant corridors;

(B) the gap between science and management for at-risk species; and

(C) ecological connectivity; and

(13) Federal policies consistently recognize the importance of voluntary improvement projects by private landowners to habitat conservation and restoration for native species.

## (b) PURPOSES.—The purposes of this Act are—

(1) to support a diverse array of native species, including species protected under Federal, State, and Tribal law, that have experienced or may experience habitat loss, degradation, fragmentation, or obstruction to connectivity;

(2) to provide long-term habitat connectivity for native species migration, dispersal, adaptation to climate and other environmental change, and genetic exchange;

- (3) to help restore wildlife movements that have been disrupted by habitat loss, degradation, fragmentation, or obstruction;
- (4) to facilitate coordinated landscape- and seascape-scale connectivity planning and management across jurisdictions; and
- (5) to support State, Tribal, local, voluntary private landowner, and Federal agency decisionmakers in the planning and development of National Wildlife Corridors.

### SEC. 3. DEFINITIONS.

In this Act:

- (1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—
  - (A) the Committee on Energy and Natural Resources of the Senate;
  - (B) the Committee on Environment and Public Works of the Senate;
  - (C) the Committee on Appropriations of the Senate;
  - (D) the Committee on Energy and Commerce of the House of Representatives;
  - (E) the Committee on Natural Resources of the House of Representatives; and
  - (F) the Committee on Appropriations of the House of Representatives.
- (2) CONNECTIVITY.—The term “connectivity” means the degree to which the landscape or seascape facilitates native species movement.
- (3) CORRIDOR.—The term “corridor” means a feature of the landscape or seascape that—
  - (A) provides habitat or ecological connectivity; and
  - (B) allows for native species movement or dispersal.
- (4) DATABASE.—The term “Database” means the National Wildlife Corridors Database established under section 401(a).
- (5) FEDERAL LAND OR WATER.—The term “Federal land or water” means any land or water, or interest in land or water, owned by the United States.
- (6) FUND.—The term “Fund” means the Wildlife Corridors Stewardship Fund established by section 501(a).
- (7) HABITAT.—The term “habitat” means land, water, and substrate occupied at any time during the life cycle of a native species that is necessary, with respect to the native species, for spawning, breeding, feeding, growth to maturity, or migration.
- (8) INDIAN LAND.—The term “Indian land” means land of an Indian tribe, or an Indian individual, that is—
  - (A) held in trust by the United States; or
  - (B) subject to a restriction against alienation imposed by the United States.
- (9) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).
- (10) NATIONAL COORDINATION COMMITTEE.—The term “National Coordination Committee” means the National Coordination Committee established under section 302(a).
- (11) NATIONAL WILDLIFE CORRIDOR.—The term “National Wildlife Corridor” means any Federal land or water designated as a National Wildlife Corridor under section 101(a).
- (12) NATIONAL WILDLIFE CORRIDOR SYSTEM.—The term “National Wildlife Corridor System” means the system of National Wildlife Corridors established by section 101(a).
- (13) NATIVE SPECIES.—The term “native species” means—
  - (A) a fish, wildlife, or plant species that is or was historically present in a particular ecosystem as a result of natural migratory or evolutionary processes, including subspecies and plant varieties; and
  - (B) a migratory bird species that is native to the United States or its territories (as defined in section 2(b) of the Migratory Bird Treaty Act (16 U.S.C. 703(b))).
- (14) REGIONAL OCEAN PARTNERSHIP.—The term “regional ocean partnership” means a regional organization of coastal or Great Lakes States, territories, or possessions voluntarily convened by Governors to address cross-jurisdictional ocean matters, or the functional equivalent of such a regional ocean organization designated by the Governor or Governors of a State or States.
- (15) REGIONAL WILDLIFE MOVEMENT COUNCIL.—The term “regional wildlife movement council” means a regional wildlife movement council established under section 303(a).
- (16) SECRETARIES.—The term “Secretaries” means—

- (A) the Secretary of Agriculture;
  - (B) the Secretary of Commerce;
  - (C) the Secretary of Defense;
  - (D) the Secretary of the Interior; and
  - (E) the Secretary of Transportation.
- (17) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.
- (18) TRIBAL WILDLIFE CORRIDOR.—The term “Tribal Wildlife Corridor” means a corridor established by the Secretary under section 201(a)(1)(C).
- (19) UNITED STATES.—The term “United States”, when used in a geographical sense, means—
- (A) a State;
  - (B) the District of Columbia;
  - (C) the Commonwealth of Puerto Rico;
  - (D) Guam;
  - (E) American Samoa;
  - (F) the Commonwealth of the Northern Mariana Islands;
  - (G) the Federated States of Micronesia;
  - (H) the Republic of the Marshall Islands;
  - (I) the Republic of Palau;
  - (J) the United States Virgin Islands; and
  - (K) the territorial sea (within the meaning of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)) and the exclusive economic zone (as defined in section 3 of that Act (16 U.S.C. 1802)) within the jurisdiction or sovereignty of the Federal Government.
- (20) WILDLIFE MOVEMENT.—The term “wildlife movement” means the passage of individual members or populations of native species across a landscape or seascape.

## **TITLE I—NATIONAL WILDLIFE CORRIDOR SYSTEM ON FEDERAL LAND AND WATER**

### **SEC. 101. NATIONAL WILDLIFE CORRIDORS.**

- (a) ESTABLISHMENT.—There is established a system of corridors on Federal land and water, to be known as the “National Wildlife Corridor System”, which shall consist of National Wildlife Corridors designated as part of the National Wildlife Corridor System by—
- (1) statute;
  - (2) rulemaking under section 102; or
  - (3) a land management or land use plan developed or revised by the Secretaries.
- (b) STRATEGY.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop a strategy for the effective development of the National Wildlife Corridor System—
- (1) to support the fulfillment of the purposes described in section 2(b);
  - (2) to ensure coordination and consistency across Federal agencies in the development, implementation, and management of National Wildlife Corridors; and
  - (3) to develop a timeline for the implementation of National Wildlife Corridors.

### **SEC. 102. ADMINISTRATIVE DESIGNATION OF NATIONAL WILDLIFE CORRIDORS.**

- (a) RULEMAKING.—
- (1) NATIONAL WILDLIFE CORRIDORS.—Not later than 2 years after the date of enactment of this Act, the Secretaries, pursuant to the Secretaries’ respective land, water, and resource management planning and conservation authorities, shall establish a process, by regulation, for the designation and management of National Wildlife Corridors on Federal land or water under the respective jurisdictions of the Secretaries.
- (2) FEDERAL LAND AND WATER MANAGEMENT.—The Secretaries shall consider the designation of National Wildlife Corridors in any process relating to the issuance, revision, or modification of a management plan for land or water under the respective jurisdiction of the Secretaries.
- (b) CRITERIA FOR DESIGNATION.—The regulations promulgated by the Secretary under subsection (a)(1) shall ensure that, in designating a National Wildlife Corridor, the Secretaries—
- (1) base the designation of the National Wildlife Corridor on—

- (A) coordination with existing—
  - (i) National Wildlife Corridors;
  - (ii) corridors established or recognized by States; and
  - (iii) Tribal Wildlife Corridors; and
- (B) the best available science of—
  - (i) existing native species habitat; and
  - (ii) likely future native species habitats;
- (2) determine that the National Wildlife Corridor supports the connectivity, persistence, resilience, and adaptability of the native species for which it has been designated by providing for—
  - (A) dispersal and genetic exchange between populations;
  - (B) range shifting, range expansion, or range restoration, such as in response to climate change;
  - (C) seasonal movement or migration; or
  - (D) succession, movement, or recolonization following—
    - (i) a disturbance, such as fire, flood, drought, or infestation; or
    - (ii) population decline or previous extirpation;
- (3) consult the Database; and
- (4) consider recommendations from the National Coordination Committee under section 302(e)(2)(C).
- (c) DESIGNATION OF FEDERAL LAND OR WATER REQUIRING RESTORATION OR CONNECTION OF HABITAT.—The Secretaries may designate as a National Wildlife Corridor land or water that—
  - (1) is necessary for the natural movements of 1 or more native species;
  - (2) requires restoration, including—
    - (A) land or water that is degraded; and
    - (B) land or water from which a species is currently absent—
      - (i) but may be colonized or recolonized by the species naturally; or
      - (ii) to which the species may be reintroduced or restored based on habitat changes; and
  - (3) is fragmented or consists of only a portion of the habitat required for the connectivity needs of 1 or more native species.
- (d) NOMINATION FOR DESIGNATION.—
  - (1) IN GENERAL.—In establishing the process for designation under subsection (a)(1), the Secretary shall include procedures under which—
    - (A) any State, Tribal, or local government, or a nongovernmental organization engaged in the conservation of native species and the improvement of the habitats of native species, may submit to the Secretaries a nomination to designate as a National Wildlife Corridor Federal land or water under the respective jurisdiction of the Secretaries; and
    - (B) the Secretaries shall consider and, not later than 1 year after the date on which the nomination was submitted under subparagraph (A), respond to any nomination submitted under that subparagraph.
  - (2) SUPPORTING DOCUMENTATION.—A nomination for designation under paragraph (1)(A) shall include supporting documentation, including—
    - (A) the native species for which the National Wildlife Corridor would be designated;
    - (B) summaries and references of, with respect to the designation of a National Wildlife Corridor—
      - (i) the best science available at the time of the submission of the nomination for designation documenting why the corridor is needed; and
      - (ii) the most current scientific reports available at the time of the submission of the nomination for designation;
    - (C) information with respect to how the nomination was coordinated with potential partners;
    - (D) a description of supporting stakeholders, such as States, Indian tribes, local governments, scientific organizations, nongovernmental organizations, and affected voluntary private landowners; and
    - (E) any additional information the Secretaries, in consultation with the National Coordination Committee, determine is relevant to the nomination.
- (e) DESIGNATION ON MILITARY LAND.—
  - (1) IN GENERAL.—Any designation of a National Wildlife Corridor on a military installation (as defined in section 100 of the Sikes Act (16 U.S.C. 670))—
    - (A) shall be consistent with the use of military installations and State-owned National Guard installations to ensure the preparedness of the Armed Forces; and
    - (B) may not result in a net loss in the capability of military installation lands to support the military mission of the installation.

(2) **SUSPENSION OR TERMINATION OF DESIGNATION.**—The Secretary of Defense may suspend or terminate the designation of any National Wildlife Corridor on a military installation if the Secretary of Defense considers the suspension or termination to be necessary for military purposes, after public notice of—

- (A) the suspension or termination; and
- (B) any voluntary steps taken by the Department of Defense to attempt to provide similar ecological connectivity elsewhere on the military installation.

**SEC. 103. MANAGEMENT OF NATIONAL WILDLIFE CORRIDORS.**

(a) **IN GENERAL.**—The Secretaries shall, consistent with other applicable Federal land and water management requirements, laws, and regulations, manage each National Wildlife Corridor under the respective administrative jurisdiction of the Secretaries in a manner that contributes to the long-term connectivity, persistence, resilience, and adaptability of native species for which the National Wildlife Corridor is identified, including through—

- (1) the maintenance and improvement of habitat connectivity within the National Wildlife Corridor;
- (2) the implementation of strategies and activities that enhance the ability of native species to respond to climate change and other environmental factors;
- (3) the maintenance or restoration of the integrity and functionality of the National Wildlife Corridor;
- (4) the mitigation or removal of human infrastructure that obstructs the natural movement of native species; and
- (5) the use of existing conservation programs, including Tribal Wildlife Corridors, under the respective jurisdiction of the Secretaries to contribute to the connectivity, persistence, resilience, and adaptability of native species.

(b) **NATIONAL WILDLIFE CORRIDORS SPANNING MULTIPLE JURISDICTIONS.**—In the case of a National Wildlife Corridor that spans the administrative jurisdiction of 2 or more of the Secretaries, the relevant Secretaries shall coordinate management of the National Wildlife Corridor in accordance with section 104(b) to advance the purposes described in section 2(b).

(c) **ROAD MITIGATION.**—In the case of a National Wildlife Corridor that intersects, adjoins, or crosses a new or existing State, Tribal, or local road or highway, the relevant Secretaries shall coordinate with the Secretary of Transportation and State, Tribal, and local transportation agencies, as appropriate, to identify and implement voluntary environmental mitigation measures—

- (1) to improve public safety and reduce vehicle-caused native species mortality while maintaining habitat connectivity; and
- (2) to mitigate damage to the natural movements of native species through strategies such as—
  - (A) the construction, maintenance, or replacement of native species underpasses, overpasses, and culverts; and
  - (B) the maintenance, replacement, or removal of dams, bridges, culverts, and other hydrological obstructions.

(d) **COMPATIBLE USES.**—A use of Federal land or water that was authorized before the date on which the Federal land or water is designated as a National Wildlife Corridor may continue if the applicable Secretaries determine that the use is compatible with the wildlife movements of the species for which the National Wildlife Corridor was designated, consistent with applicable Federal laws and regulations.

**SEC. 104. COLLABORATION AND COORDINATION.**

(a) **COLLABORATION.**—The Secretaries may partner with and provide funds to States, local governments, Indian tribes, the National Coordination Committee, voluntary private landowners, and the regional wildlife movement councils to support the purposes described in section 2(b).

(b) **COORDINATION.**—To the maximum extent practicable and consistent with applicable law, the Secretary or Secretaries, as applicable, shall develop the strategy under section 101(b), designate National Wildlife Corridors under section 102, and manage National Wildlife Corridors under section 103—

- (1) in consultation and coordination with—
  - (A) other relevant Federal agencies;
  - (B) States, including—
    - (i) State fish and wildlife agencies; and
    - (ii) other State agencies responsible for managing the natural resources and wildlife;
  - (C) Indian tribes;
  - (D) units of local government;
  - (E) other interested stakeholders identified by the Secretary, including applicable voluntary private landowners;

- (F) landscape- and seascape-scale partnerships, including—
  - (i) the National Fish Habitat Partnership;
  - (ii) the National Marine Fisheries Service;
  - (iii) regional fishery management councils established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a));
  - (iv) relevant regional ocean partnerships;
  - (v) the Climate Science Centers of the Department of the Interior;
 and
  - (vi) the Landscape Conservation Cooperative Network;
- (G) the National Coordination Committee; and
- (H) the regional wildlife movement councils.

**SEC. 105. EFFECT.**

(a) **RELATIONSHIP TO OTHER CONSERVATION LAWS.**—Nothing in this Act amends or otherwise affects any other law (including regulations) relating to the conservation of native species.

(b) **JURISDICTION OF STATES AND INDIAN TRIBES.**—Nothing in this Act or an amendment made by this Act affects the jurisdiction of a State or an Indian tribe with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in a National Wildlife Corridor or a Tribal Wildlife Corridor.

## **TITLE II—TRIBAL WILDLIFE CORRIDORS**

**SEC. 201. TRIBAL WILDLIFE CORRIDORS.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—

(A) **NOMINATIONS.**—An Indian tribe may nominate a corridor within Indian land of the Indian tribe as a Tribal Wildlife Corridor by submitting to the Secretary, in consultation with the Director of the Bureau of Indian Affairs (referred to in this section as the “Secretary”), an application at such time, in such manner, and containing such information as the Secretary may require.

(B) **DETERMINATION.**—Not later than 90 days after the date on which the Secretary receives an application under subparagraph (A), the Secretary shall determine whether the nominated Tribal Wildlife Corridor described in the application meets the criteria established under paragraph (2).

(C) **PUBLICATION.**—On approval of an application under subparagraph (B), the Secretary shall publish in the Federal Register a notice of the establishment of the Tribal Wildlife Corridor, which shall include a map and legal description of the land designated as a Tribal Wildlife Corridor.

(2) **CRITERIA.**—

(A) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish criteria for determining whether a corridor nominated by an Indian tribe under paragraph (1)(A) qualifies as a Tribal Wildlife Corridor.

(B) **INCLUSIONS.**—The criteria established under subparagraph (A) shall include, at a minimum, the following:

- (i) The restoration of historical habitat for the purposes of facilitating connectivity.
- (ii) The management of land for the purposes of facilitating connectivity.
- (iii) The management of land to prevent the imposition of barriers that may hinder current or future connectivity.

(3) **REMOVAL.**—

(A) **IN GENERAL.**—An Indian tribe may elect to remove the designation of a Tribal Wildlife Corridor on the Indian land of the Indian tribe by notifying the Secretary.

(B) **EFFECT OF REMOVAL.**—An Indian tribe that elects to remove a designation under subparagraph (A) may not receive assistance under subsection (c) or (d)(1) or section 301.

(b) **COORDINATION OF LAND USE PLANS.**—Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended—

(1) in subsection (b)—

(A) by striking “Indian tribes by” and inserting the following: “Indian tribes—  
“(1) by”;

(B) in paragraph (1) (as so designated), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(2) for the purposes of determining whether the land use plans for land in the National Forest System would provide additional connectivity to benefit the purposes of a Tribal Wildlife Corridor established under section 10(a)(1) of the Wildlife Corridors Conservation Act of 2019.”; and

(2) by adding at the end the following:

“(g) TRIBAL WILDLIFE CORRIDORS.—On the establishment of a Tribal Wildlife Corridor under section 10(a)(1) of the Wildlife Corridors Conservation Act of 2019, the Secretary shall conduct a meaningful consultation with the Indian tribe that administers the Tribal Wildlife Corridor to determine whether, through the revision of 1 or more existing land use plans, the Tribal Wildlife Corridor can—

“(1) be expanded into public lands; or

“(2) otherwise benefit connectivity (as defined in section 3 of that Act) between public lands and the Tribal Wildlife Corridor.”.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide to Indian tribes technical assistance relating to the establishment, management, and expansion of a Tribal Wildlife Corridor, including assistance with accessing wildlife data and working with voluntary private landowners to access Federal and State programs to improve wildlife habitat and connectivity on non-Federal land.

(d) AVAILABILITY OF ASSISTANCE.—

(1) CONSERVATION PROGRAMS CONSIDERATION.—

(A) IN GENERAL.—In evaluating applications under conservation programs described in subparagraph (B), the Secretary of Agriculture may consider whether a project would enhance connectivity through the expansion of a Tribal Wildlife Corridor.

(B) PROGRAMS DESCRIBED.—The conservation programs referred to in subparagraph (A) are any of the following conservation programs administered by the Secretary of Agriculture:

(i) The conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

(ii) The environmental quality incentives program established under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.).

(iii) The conservation stewardship program established under subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa–21 et seq.).

(iv) The agricultural conservation easement program established under subtitle H of title XII of the Food Security Act of 1985 (16 U.S.C. 3865 et seq.).

(2) WILDLIFE MOVEMENT GRANT PROGRAM.—An Indian tribe that has a Tribal Wildlife Corridor established on the Indian land of the Indian tribe shall be eligible for a grant under the wildlife movements grant program under section 301, subject to other applicable requirements of that grant program.

(e) SAVINGS CLAUSE.—Nothing in this section authorizes or affects the use of private property or Indian land.

## SEC. 202. PROTECTION OF INDIAN TRIBES.

(a) FEDERAL TRUST RESPONSIBILITY.—Nothing in this Act amends, alters, or waives the Federal trust responsibility to Indian tribes.

(b) FREEDOM OF INFORMATION ACT.—

(1) EXEMPTION.—Information described in paragraph (2) shall not be subject to disclosure under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”), if the head of the agency that receives the information, in consultation with the Secretary and the affected Indian tribe, determines that disclosure may—

(A) cause a significant invasion of privacy;

(B) risk harm to human remains or resources, cultural items, uses, or activities; or

(C) impede the use of a traditional religious site by practitioners.

(2) INFORMATION DESCRIBED.—Information referred to in paragraph (1) is information received by a Federal agency—

(A) pursuant to this Act relating to—

(i) the location, character, or ownership of human remains of a person of Indian ancestry; or



- (ii) resources, cultural items, uses, or activities identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature to the Indian tribe; or
- (B) pursuant to the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

## **TITLE III—WILDLIFE MOVEMENT GRANT PROGRAM ON NON-FEDERAL LAND AND WATER**

### **SEC. 301. WILDLIFE MOVEMENT GRANT PROGRAM.**

(a) **IN GENERAL.**—The Secretary shall establish a wildlife movement grant program (referred to in this section as the “grant program”) to encourage wildlife movement in accordance with this subsection.

(b) **GRANTS.**—Beginning not later than 2 years after the date of enactment of this Act, the Secretary, based on recommendations from the National Coordination Committee under section 302(e)(2)(C), shall make grants to 1 or more projects that—

- (1) are a regional priority project identified by a regional wildlife movement council;
- (2) satisfy the purposes described in section 2(b); and
- (3) increase connectivity for native species.

(c) **ELIGIBLE RECIPIENTS.**—A person that is eligible to receive a grant under the grant program is—

- (1) a voluntary private landowner or group of landowners;
- (2) a State fish and wildlife agency or other State agency responsible for managing natural resources and wildlife;
- (3) an Indian tribe;
- (4) a unit of local government;
- (5) an agricultural cooperative;
- (6) water, irrigation, or rural water districts or associations, or other organizations with water delivery authority (including acequias and land grant communities in the State of New Mexico);
- (7) institutions of higher education;
- (8) an entity approved for a grant by a regional wildlife movement council; and
- (9) any group of entities described in paragraphs (1) through (8).

(d) **REQUIREMENTS.**—In administering the grant program, the Secretary shall use the criteria, guidelines, contracts, reporting requirements, and evaluation metrics developed by the National Coordination Committee under subparagraphs (A) and (B) of section 302(e)(2).

### **SEC. 302. NATIONAL COORDINATION COMMITTEE.**

(a) **ESTABLISHMENT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the “National Coordination Committee”.

(b) **ADMINISTRATIVE SUPPORT.**—The Secretary shall provide administrative support for the National Coordination Committee.

(c) **MEMBERSHIP.**—The National Coordination Committee shall be composed of—

- (1) the Secretary (or a designee);
- (2) the Secretary of Transportation (or a designee);
- (3) the Secretary of Agriculture (or a designee);
- (4) the Secretary of Commerce (or a designee);
- (5) the Secretary of Defense (or a designee);
- (6) the Director of the Bureau of Indian Affairs (or a designee);
- (7) the Executive Director of the Association of Fish and Wildlife Agencies (or a designee);
- (8) 2 representatives of intertribal organizations, to be appointed by the Secretary;
- (9) the chairperson of each regional wildlife movement council (or a designee); and

(10) not more than 3 representatives of nongovernmental, science, or academic organizations with expertise in wildlife conservation and habitat connectivity, to be appointed by the Secretary in a manner that ensures that the membership of the National Coordination Committee is fair and balanced.

(d) **DUTIES.**—The National Coordination Committee—

- (1) shall establish standards for regional wildlife movement plans to allow for better cross-regional collaboration; and

(2) shall, with respect to the wildlife movement grant program under section 301—

(A) establish criteria and develop guidelines for the solicitation of applications for grants by regional wildlife movement councils;

(B) develop standardized contracts, reporting requirements, and evaluation metrics for grant recipients; and

(C) make recommendations annually to the Secretary for the selection of grant recipients on the basis of the ranked lists of regional priority projects received from the regional wildlife movement councils under section 303(c)(4) that are consistent with the purposes described in section 2(b).

(e) **APPLICABILITY OF FACa.**—Except as otherwise provided in this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the National Coordination Committee.

**SEC. 303. REGIONAL WILDLIFE MOVEMENT COUNCILS.**

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish not less than 4 regional wildlife movement councils with separate geographic jurisdictions that encompass the entire United States.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—Each regional wildlife movement council shall be composed of—

(A) the director of each State fish and wildlife agency within the jurisdiction of the regional wildlife movement council (or a designee);

(B) balanced representation from Tribal governments within the jurisdiction of the regional wildlife movement council;

(C) to serve as a Federal agency liaison and nonvoting, ex officio member—

(i) the Director of the United States Fish and Wildlife Service (or a designee); or

(ii) the director of any applicable regional office of the United States Fish and Wildlife Service (or a designee);

(D) not more than 3 representatives of nongovernmental, science, or academic organizations with expertise in native species conservation and the habitat connectivity needs of the region covered by the regional wildlife movement council; and

(E) not more than 3 voluntary representatives of private landowners with property in the applicable region, not less than 1 of whom shall be a farmer or rancher.

(2) **REQUIREMENTS.**—

(A) **MEMBERSHIP.**—The Secretary shall ensure that the membership of each regional wildlife movement council is fair and balanced in terms of expertise and perspectives represented.

(B) **EXPERTISE.**—Each regional wildlife movement council shall include experts in ecological connectivity, native species ecology, and ecological adaptation.

(c) **DUTIES.**—Each regional wildlife movement council shall—

(1) not later than 2 years after the date of establishment of the regional wildlife movement council and in accordance with any standards established by the National Coordination Committee, prepare and submit to the Secretary and the National Coordination Committee a regional wildlife movement plan that maintains natural wildlife movement by identifying research priorities and data needs for the Database that is revised, amended, or updated not less frequently than once every 5 years;

(2) provide for public engagement, including engagement of Indian tribes, at appropriate times and in appropriate locations in the region covered by the regional wildlife movement council, to allow all interested persons an opportunity to be heard in the development and implementation of a regional wildlife movement plan under paragraph (1);

(3) solicit applications for wildlife movement grants under section 301 in accordance with the criteria and guidelines established by the National Coordination Council under section 302(e)(2)(A);

(4) in accordance with the criteria and guidelines established under section 302(e)(2)(A), submit to the National Coordination Committee an annual list of regional priority projects, in ranked order, for wildlife movement grants under section 301 to maintain wildlife movements in the area under the jurisdiction of the regional wildlife movement council; and

(5) submit to the Secretary and the National Coordination Committee, and make publicly available, an annual report describing the activities of the regional wildlife movement council.

(d) COORDINATION.—If applicable, to increase habitat connectivity between designated Federal land and water and non-Federal land and water, a regional wildlife movement council shall coordinate with—

- (1) Federal agencies;
- (2) Indian tribes;
- (3) regional fishery management councils established under section 302(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a));
- (4) migratory bird joint ventures partnerships recognized by the United States Fish and Wildlife Service with respect to migratory bird species;
- (5) State fish and wildlife agencies;
- (6) regional associations of fish and wildlife agencies;
- (7) nongovernmental organizations;
- (8) applicable voluntary private landowners;
- (9) the National Coordination Committee;
- (10) fish habitat partnerships;
- (11) other regional wildlife movement councils with respect to crossregional projects;
- (12) international wildlife management entities with respect to transboundary species in accordance with trade policies of the United States; and
- (13) Federal and State transportation agencies.

(e) APPLICABILITY OF FACCA.—Except as otherwise provided in this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the regional wildlife movement councils.

## **TITLE IV—NATIONAL WILDLIFE CORRIDORS DATABASE**

### **SEC. 401. NATIONAL WILDLIFE CORRIDORS DATABASE.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Director of the United States Geological Survey (referred to in this section as the “Director”), in consultation with the National Coordination Committee and the regional wildlife movement councils, shall establish a database, to be known as the “National Wildlife Corridors Database”.

(b) CONTENTS.—

(1) IN GENERAL.—The Database shall—

(A) include maps, data, models, surveys, and descriptions of native species habitats, wildlife movements, and corridors that have been developed by Federal agencies that pertain to Federal land and water;

(B) include maps, models, analyses, and descriptions of projected shifts in habitats, wildlife movements, and corridors of native species in response to climate change or other environmental factors;

(C) reflect the best scientific data and information available; and

(D) in accordance with the requirements of the Geospatial Data Act of 2018 (Public Law 115–254), have the data, models, and analyses included in the Database available at scales useful to State, Tribal, local, and Federal agency decisionmakers and the public.

(c) REQUIREMENTS.—Subject to subsection (d), the Director, in collaboration with the National Coordination Committee, the regional wildlife movement councils, and the Administrator of the National Oceanic and Atmospheric Administration, shall—

(1) design the Database to support State, Tribal, local, voluntary private landowner, and Federal agency decisionmakers and the public with data that will allow those entities—

(A) to prioritize and target natural resource adaptation strategies and enhance existing State and Tribal corridor protections;

(B) to assess the impacts of proposed energy, water, transportation, and transmission projects, and other development activities, and to avoid, minimize, and mitigate the impacts of those projects and activities on National Wildlife Corridors;

(C) to assess the impact of new and existing development on native species habitats and National Wildlife Corridors; and

(D) to develop strategies that promote habitat connectivity to allow native species to move—

(i) to meet biological and ecological needs;

(ii) to adjust to shifts in habitat; and

(iii) to adapt to climate change;

(2) establish a coordination process among Federal agencies to update maps and other information with respect to landscapes, seascapes, native species habitats and ranges, habitat connectivity, National Wildlife Corridors, and wildlife movement changes as information based on new scientific data becomes available; and

(3) not later than 5 years after the date of enactment of this Act, and not less frequently than once every 5 years thereafter, develop, submit a report to the Secretary and the appropriate committees of Congress, and make publicly available a report, that, with respect to the Database—

(A) outlines the categories for data that may be included in the Database;

(B) outlines the data protocols and standards for each category of data in the Database;

(C) identifies gaps in native species habitat and National Wildlife Corridor information;

(D) prioritizes research and future data collection activities for use in updating the Database; and

(E) evaluates and quantifies the efficacy of the Database to meet the needs of the entities described in paragraph (1).

(d) PROPRIETARY INTERESTS AND PROTECTED INFORMATION.—In developing the Database, the Director shall—

(1) as applicable, protect proprietary interests with respect to any licensed information, licensed data, and other items contained in the Database; and

(2) protect information in the Database with respect to the habitats and ranges of specific native species to prevent poaching, illegal taking and trapping, and other related threats to native species.

## TITLE V—FUNDING

### SEC. 501. WILDLIFE CORRIDORS STEWARDSHIP FUND.

(a) ESTABLISHMENT AND CONTENTS.—There is established in the Treasury a fund, to be known as the “Wildlife Corridors Stewardship Fund”, that consists of donations of amounts accepted under subsection (c).

(b) USE.—The Fund—

(1) shall be administered by the Secretary and the National Fish and Wildlife Foundation, acting jointly; and

(2) may be used by the National Fish and Wildlife Foundation to enhance the management and protection of National Wildlife Corridors by providing financial assistance to the Federal Government, Indian tribes, and nongovernmental, science, and academic organizations.

(c) DONATIONS.—The National Fish and Wildlife Foundation may solicit and accept donations of amounts for deposit into the Fund.

(d) COORDINATION.—In administering the Fund, the Secretary and the National Fish and Wildlife Foundation may coordinate with regional wildlife movement councils, regional ocean partnerships, and the National Coordination Committee to the maximum extent practicable.

(e) DISCLOSURE OF USE.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary and the National Fish and Wildlife Foundation shall make publicly available a description of usage of the Fund during the preceding calendar year.

### SEC. 502. WORKING LANDSCAPES.

The Secretary of Agriculture may—

(1) direct investments in working landscapes through conservation programs under the jurisdiction of the Secretary of Agriculture, including programs under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), to support the purposes described in section 2(b); and

(2) notwithstanding any other provision of law, give priority under the conservation programs described in paragraph (1) to non-Federal land and water for the purposes described in section 2(b).

### SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL WILDLIFE CORRIDOR SYSTEM.—There are authorized to be appropriated to carry out title I for fiscal year 2020 and each fiscal year thereafter—

(1) to the Secretary, \$7,500,000;

(2) to the Secretary of Agriculture, \$3,000,000;

(3) to the Secretary of Defense, \$1,500,000;

(4) to the Secretary of Commerce, \$3,000,000; and

(5) to the Secretary of Transportation, \$3,000,000.

(b) TRIBAL WILDLIFE CORRIDORS.—There is authorized to be appropriated to carry out title II \$5,000,000 for fiscal year 2020 and each fiscal year thereafter.

(c) WILDLIFE MOVEMENT GRANT PROGRAM AND REGIONAL WILDLIFE MOVEMENT COUNCILS.—

(1) WILDLIFE MOVEMENT GRANT PROGRAM.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out the wildlife movement grant program under section 301 \$50,000,000 for fiscal year 2022 and each fiscal year thereafter.

(B) REQUIREMENTS.—Amounts appropriated under subparagraph (A) may be used to complement or match other Federal or non-Federal funding received by the projects funded by those grants.

(C) ADMINISTRATIVE SUPPORT.—Not more than 5 percent of amounts appropriated under subparagraph (A) may be used for administrative support.

(2) REGIONAL WILDLIFE MOVEMENT COUNCILS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to provide support for the regional wildlife movement councils to carry out section 303 \$1,000,000 for fiscal year 2020 and each fiscal year thereafter.

(B) EQUAL DIVISION.—Amounts appropriated under subparagraph (A) shall be proportionally divided between each regional wildlife movement council.

(d) NATIONAL WILDLIFE CORRIDORS DATABASE.—There are authorized to be appropriated to the Secretary to carry out section 401—

(1) \$3,000,000 for fiscal year 2020; and

(2) \$1,500,000 for fiscal year 2021 and each fiscal year thereafter.

#### PURPOSE OF THE BILL

The purpose of H.R. 2795 is to establish a National Wildlife Corridors system to provide for the protection and restoration of certain native fish, wildlife and plant species, as well as create a Tribal wildlife corridors system.

#### BACKGROUND AND NEED FOR LEGISLATION

Migration and habitat connectivity are key to the survival of many North American species. Some species must travel across large areas to find food or a mate;<sup>1</sup> other species complete annual migrations to breeding or feeding grounds. For example, each spring, thousands of Greater Yellowstone Ecosystem elk move from their lower altitude winter ranges to their higher altitude summer ranges.<sup>2</sup> The recovery of some endangered species also depends upon migrations: for example, the endangered Florida panther's distribution must push north in order for the population to reestablish across its historic range.<sup>3</sup> Wildlife migration and distribution are also essential to species survival under human-induced climate change. For example, one meta-analysis study has estimated that terrestrial species are already moving to higher latitudes at a median rate of 16.9 kilometers per decade.<sup>4</sup>

However, much wildlife migration in North America is impeded by human-made infrastructure. Roads, fences, energy infrastructure, agricultural fields, pastures, and residential development all can block or detour migrating wildlife. Such habitat fragmentation hinders the movement of individual animals, the migration of pop-

<sup>1</sup> See, e.g., U.S. FISH & WILDLIFE SERV., GRAY WOLF, *CANIS LUPUS* (2013), <https://www.fws.gov/northeast/graywolf/wolfbio.pdf>.

<sup>2</sup> *Elk Migrations of the Greater Yellowstone*, UNIV. OF WYO., WYO. MIGRATION INITIATIVE, <https://migrationinitiative.org/content/elk-migrations-greater-yellowstone> (last visited June 10, 2020).

<sup>3</sup> See U.S. FISH & WILDLIFE SERV., FLORIDA PANTHER MULTI-SPECIES RECOVERY PLAN FOR SOUTH FLORIDA 4–120 (1999), <https://www.fws.gov/verobeach/MSRPPDFs/FloridaPanther.pdf>.

<sup>4</sup> I-Ching Chen, Jane K. Hill, Ralf Ohlemüller, David B. Roy & Chris D. Thomas, *Rapid Range Shifts of Species Associated with High Levels of Climate Warming*, 333 (6045) *SCIENCE* 1024 (2011), DOI: 10.1126/science.1206432, <https://science.sciencemag.org/content/333/6045/1024>.

ulations, the search for food, and reproduction.<sup>5</sup> If barriers exist that prevent species from reaching suitable habitat, species may be forced to live in unsuitable habitat, increasing their risk of extinction.<sup>6</sup> In certain cases where highways cross commonly-used wildlife migration routes, public safety is threatened by an increased risk of vehicle-wildlife collisions.<sup>7</sup>

Developing and restoring wildlife corridors can allow species to complete their migrations and decrease wildlife collisions and related human injuries.<sup>8</sup> Corridors vary widely in size and shape, and include natural corridors such as riparian zones and streams that naturally connect wetlands and watersheds, and artificially constructed ones such as overpasses and underpasses on highways.<sup>9</sup>

Thus far, states and tribes have led the way on designating and managing wildlife corridors. States like California and New Hampshire have passed legislation to protect wildlife corridors, and the Western Governors' Association and the Conference of New England Governors and Eastern Canadian Premiers have passed wildlife corridor resolutions. Tribes, including the Navajo, Southern Ute, Ute Mountain Ute, and the Jicarilla Apache, have taken actions to promote and study wildlife corridors. The federal government has also taken steps: in 2018, then—Secretary of the Interior Ryan Zinke issued Secretarial Order 3362 to improve habitat quality in western big game winter range and migration corridors for antelope, elk, and mule deer.

A federal wildlife corridor program would bring together states, tribes, and the federal government to more effectively implement wildlife corridors, because wildlife do not recognize borders. H.R. 2795 establishes a National Wildlife Corridors system to provide for the protection and restoration of certain native fish, wildlife and plant species, as well as creates a Tribal Wildlife Corridors system.

#### COMMITTEE ACTION

H.R. 2795 was introduced on May 16, 2019, by Representative Don Beyer (D–VA). The bill was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Armed Services, and Transportation and Infrastructure. Within the Natural Resources Committee, the bill was referred to the Subcommittee on Water, Oceans, and Wildlife; the Subcommittee on National Parks, Forests, and Public Lands; and the Subcommittee

<sup>5</sup> USDA, NAT. RES. CONSERVATION SERV., NATIONAL BIOLOGY HANDBOOK AQUATIC AND TERRESTRIAL HABITAT RESOURCES, pt. 614.4, CONSERVATION CORRIDOR PLANNING AT THE LANDSCAPE LEVEL MANAGING FOR WILDLIFE HABITAT (1999), ch. 2, HABITAT FRAGMENTATION, [https://prod.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs144p2\\_015259.pdf](https://prod.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_015259.pdf).

<sup>6</sup> See, e.g., Gretta T. Pecl et al., *Biodiversity Redistribution Under Climate Change: Impacts on Ecosystems and Human Well-Being* 2, 3, 335 SCIENCE (2017), DOI: 10.1126/science.aai9214, <https://science.sciencemag.org/content/355/6332/eaai9214>.

<sup>7</sup> W. ASS'N OF FISH & WILDLIFE, MULE DEER WORKING GRP., UNDERSTANDING MULE DEER MIGRATION FACT SHEET #12 (2014), <https://www.wafwa.org/Documents%20and%20Settings/37/Site%20Documents/Working%20Groups/Mule%20Deer/FactSheets/MDWG%20Fact%20Sheet%2012%20Migration.pdf>.

<sup>8</sup> See, e.g., *Large-Scale Networks*, CONSERVATION CORRIDOR, <http://conservationcorridor.org/corridors-in-conservation/large-scale-networks/> (last visited July 1, 2020); KELLEY M STEWART, U. OF NEV. RENO DEPT OF NAT. RES. & ENVTL. SCI. (prepared for NEV. DEPT OF TRANSP.), EFFECTIVENESS OF WILDLIFE CROSSING STRUCTURES TO MINIMIZE TRAFFIC COLLISIONS WITH MULE DEER AND OTHER WILDLIFE IN NEVADA (2015), <https://www.nevadadot.com/home/showdocument?id=6485>.

<sup>9</sup> See, e.g., *Corridor FAQ*, CONSERVATION CORRIDOR, <https://conservationcorridor.org/the-science-of-corridors/> (last visited June 10, 2020).

for Indigenous Peoples of the United States. On October 17, 2019, the Subcommittee on Water, Oceans, and Wildlife held a hearing on the bill. On January 29, 2020, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. Chair Raúl M. Grijalva (D-AZ) offered an amendment designated Grijalva #111. The amendment was agreed to by voice vote. Ranking Member Rob Bishop (R-UT) offered an amendment designated Bishop #1. The amendment was withdrawn. No additional amendments were offered. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 22 yeas and 15 nays, as follows:

Date: January 29, 2020

**COMMITTEE ON NATURAL RESOURCES**  
**116<sup>th</sup> Congress - Roll Call**

Bill / Motion: H.R. 2795

Amendment:

**Disposition:** Final Passage: H.R. 2795, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 22 yeas and 15 nays.

	DEM. MEMBERS (25)	YEAS	NAYS	PRESENT
1	Mr. Brown, MD	X		
2	Mr. Cartwright, PA	X		
3	Mr. Case, HI	X		
4	Mr. Clay, MO			
5	Mr. Costa, CA	X		
6	Mr. Cox, CA	X		
7	Mr. Cunningham, SC	X		
8	Ms. DeGette, CO	X		
9	Mrs. Dingell, MI	X		
10	Mr. Gallego, AZ	X		
11	Mr. Grijalva, AZ ( <i>Chair</i> )	X		
12	Mr. Garcia, IL	X		
13	Ms. Haaland, NM	X		
14	Mr. Horsford, NV	X		
15	Mr. Huffman, CA	X		
16	Mr. Levin, CA	X		
17	Mr. Lowenthal, CA	X		
18	Mr. McEachin, VA			
19	Ms. Napolitano, CA	X		
20	Mr. Neguse, CO	X		
21	Mr. Sablan, CNMI	X		
22	Mr. San Nicolas, GU	X		
23	Mr. Soto, FL	X		
24	Mr. Tonko, NY	X		
25	Ms. Velázquez, NY			
26				
	REP. MEMBERS (19)	Y	N	P
1	Mr. Bishop, UT ( <i>Ranking</i> )		X	
2	Ms. Cheney, WY			
3	Mr. Cook, CA		X	
4	Mr. Curtis, UT		X	
5	Mr. Fulcher, ID		X	
6	Mr. Gohmert, TX		X	
7	Ms. González-Colón, PR		X	
8	Mr. Gosar, AZ		X	
9	Mr. Graves, LA		X	
10	Mr. Hern, OK		X	
11	Mr. Hice, GA		X	
12	Mr. Johnson, LA			
13	Mr. Lamborn, CO		X	
14	Mr. McClintock, CA		X	
15	Mrs. Radewagen, AS		X	
16	Mr. Webster, FL		X	
17	Mr. Westerman, AR		X	
18	Mr. Wittman, VA		X	
19	Mr. Young, AK			
	<b>TOTALS</b>	22	15	
	Total: 44 / Quorum: 15 / Report: 23	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>



On July 1, 2020, the House of Representatives passed H.R. 2, the Moving Forward Act, which included the text of H.R. 2795 with minor changes.<sup>10</sup>

#### HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 2795: legislative hearing by the Subcommittee on Water, Oceans, and Wildlife held on October 17, 2019.

#### SECTION-BY-SECTION ANALYSIS

*Section 1. Short title; table of contents*

*Section 2. Findings and purposes*

*Section 3. Definitions*

#### Title I—National Wildlife Corridor (NWC) System on Federal Land and Water

*Section 101. National Wildlife Corridors.* This section establishes a system of corridors on federal land and water to be known as the “National Wildlife Corridor System.” Corridors may be established by statute or administratively. Not later than 18 months after the enactment of this bill, the Secretary of the Interior, acting through the Director of the U.S. Fish and Wildlife Service (FWS), must develop a strategy for the National Wildlife Corridor System to support native species subject to habitat loss, ensure coordination between federal agencies, and develop a timeline for implementation.

*Section 102. Administrative designation of National Wildlife Corridors.* This section sets standards for the establishment of NWCs by administrative action. Corridor designations may be made by the Secretaries of Agriculture, Commerce, Defense, the Interior, or Transportation, who are required to ensure new corridors are coordinated with existing or recognized federal, state, and tribal wildlife corridors; are based on the best available science; and support the connectivity, persistence, resilience, and adaptability of the target species. Corridors on military installations are prohibited from interfering with military capability and preparedness. Corridor nominations can be submitted by states, tribes, local governments, or relevant non-governmental organizations (NGOs); the relevant Secretary must respond to those nominations within one year.

*Section 103. Management of National Wildlife Corridors.* This section directs the relevant land management agencies to manage NWCs under their jurisdiction to improve habitat and connectivity for target native species by improving connectivity within the NWC, improving the resilience of native species to respond to climate change, restoring habitat, and removing or mitigating human-made barriers to improve wildlife movement. Any NWCs that span multiple jurisdictions require coordination among the relevant land management agencies, and in the case of intersections of NWCs with roads or highways, coordination with the Department of Transportation and nonfederal transportation agencies is also required to identify and implement mitigation strategies.

<sup>10</sup>H.R. 2, 116th Cong. tit. III, subtitle B (as passed by and engrossed in the House, July 1, 2020).

*Section 104. Collaboration and coordination.* This section authorizes the federal land management agencies to consult and coordinate with relevant entities—including state wildlife agencies, Indian tribes, local governments, partnerships such as regional fishery management councils, and NGOs—to identify and manage NWCs.

*Section 105. Effect.* This section clarifies that nothing in this bill affects any other species conservation law, or any state or Indian tribe’s authority to manage fish and wildlife.

#### Title II—Tribal Wildlife Corridors <sup>11</sup>

*Section 201. Tribal Wildlife Corridors.* This section directs the Secretary of the Interior to establish a regulatory process for nominating and designating Tribal Wildlife Corridors. To designate a Tribal Wildlife Corridor, a tribe’s nomination for a new corridor must support restoring historical habitat for connectivity, managing land for connectivity, and preventing new barriers to wildlife movement. Tribes may remove a designation by notifying the Secretary. This section also amends section 202 of the Federal Land Policy and Management Act (which directs the development and implementation of land use plans) to include Tribal Wildlife Corridor management. This section also clarifies that a tribe that has a Tribal Wildlife Corridor is eligible for grants under Section 301 of this bill.

*Section 202. Protection of Indian tribes.* This section clarifies that nothing in the Act affects the federal trust responsibility to Indian tribes. This section also provides tribes financial and privacy protections for sensitive data regarding natural, cultural, and religious resources. Information is exempt from Freedom of Information Act disclosure if that disclosure would cause a significant invasion of privacy, threaten human remains or other cultural items, or impede the use of traditional religious sites by practitioners.

#### Title III—Wildlife Movement Grant Program on Non-Federal Land and Water

*Section 301. Wildlife movement grant program.* This section establishes a wildlife movement grant program for regionally important connectivity projects that encourage native wildlife movement on non-federal land and water. These grants are available to private landowners, state wildlife and natural resources agencies, tribes, local governments, agricultural cooperatives, water authorities, universities, and entities approved by regional wildlife movement councils.

*Section 302. National Coordination Committee.* This section establishes a National Coordination Committee composed of the relevant Secretaries, directors of relevant agencies, two intertribal representatives, the chairs of each regional wildlife movement council, and not more than three representatives from NGOs or scientific or academic organizations. The National Coordination Committee shall establish standards and criteria for soliciting and managing grants and make annual recommendations to the Secretary for the selection of grant recipients. The relevant Secretaries must

<sup>11</sup> See generally Bill Report for H.R. 5179, H.R. REP. NO. 116— (2020).

also consider the National Coordination Committee’s recommendations when deciding on designating an NWC.

*Section 303. Regional wildlife movement councils.* This section creates at least four regional wildlife movement councils, composed of state fish and wildlife agency directors and representatives from tribal governments, FWS, NGOs, and private landowners. Each regional wildlife movement council shall develop a regional wildlife movement plan, provide for public and tribal engagement, solicit applications for wildlife movement grants, and submit to the National Coordination Committee an annual list of regional priority projects for grants and an annual report describing the council’s activities.

#### Title IV—National Wildlife Corridors Database

*Section 401. National wildlife corridors database.* This section directs the U.S. Geological Survey (USGS) to establish a “National Wildlife Corridors Database.” The Database will include maps, data, models, surveys, and descriptions of current and projected climate-related shifts in habitats, wildlife movements, and corridors. The Database must be designed to enable the assessment of natural resource adaptation strategies, impacts of various development projects on native species habitats and the NWCs, and strategies that promote habitat connectivity.

#### Title V—Funding

*Section 501. Wildlife Corridors Stewardship Fund.* This section establishes a Wildlife Corridor Stewardship Fund to assist in the management of NWCs, consisting of donations collected by the National Fish and Wildlife Foundation.

*Section 502. Working landscapes.* This section authorizes the Secretary of Agriculture to support habitat connectivity and restoration activities through existing conservation programs.

*Section 503. Authorization of Appropriations.* This section authorizes:

- \$18 million per fiscal year beginning in 2020 for the National Wildlife Corridor System;
- \$5 million per fiscal year beginning in 2020 for Tribal Wildlife Corridors;
- \$50 million per fiscal year beginning in 2022 for the Wildlife Movement Grant Program;
- \$1 million per year for regional wildlife movement councils, proportionally divided among regions; and
- \$3 million for fiscal year 2020 and \$1.5 million annually beginning in fiscal year 2021 for the National Wildlife Corridors Database.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET  
ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 27, 2020.*

Hon. RAÚL M. GRIJALVA,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2795, the Wildlife Corridors Conservation Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

PHILLIP L. SWAGEL,  
*Director.*

Enclosure.

At a Glance			
H.R. 2795, Wildlife Corridors Conservation Act of 2019			
As ordered reported by the House Committee on Natural Resources on January 29, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	*	245	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			
<b>The bill would</b> <ul style="list-style-type: none"> <li>Authorize appropriations totaling \$355 million over the 2020-2025 period for federal agencies to designate wildlife corridors on federal and tribal land and waters, and to provide grants to states and other entities to manage wildlife movement on nonfederal land</li> </ul>			
<b>Estimated budgetary effects would primarily stem from</b> <ul style="list-style-type: none"> <li>Spending of the authorized appropriations</li> </ul>			
Detailed estimate begins on the next page.			

**Bill Summary:** H.R. 2795 would establish a framework for federal agencies to designate wildlife corridors on federal and tribal land and waters, and would direct the U.S. Fish and Wildlife Service (USFWS) to award grants to states and other entities to manage wildlife movement on nonfederal land. The bill would authorize appropriations totaling \$355 million over the 2020–2025 period for those purposes.

**Estimated Federal cost:** The estimated budgetary effect of H.R. 2795 is shown in Table 1. The costs of the legislation fall primarily within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 2795

	By fiscal year, millions of dollars—						
	2020	2021	2022	2023	2024	2025	2020–2025
National Wildlife Corridors:							
Authorization .....	18	18	18	18	18	18	108
Estimated Outlays .....	*	25	18	18	18	18	97
Tribal Wildlife Corridors:							
Authorization .....	5	5	5	5	5	5	30
Estimated Outlays .....	*	9	5	5	5	5	29
Wildlife Movement Grants:							
Authorization .....	0	0	50	50	50	50	200
Estimated Outlays .....	0	0	5	18	35	45	103
Other Provisions:							
Authorization .....	4	2	2	3	3	3	17
Estimated Outlays .....	*	4	3	3	3	3	16
Total Changes:							
Authorization .....	27	25	75	76	76	76	355
Estimated Outlays .....	*	38	31	44	61	71	245

\* = between zero and \$500,000.

CBO estimates that enacting H.R. 2795 would increase direct spending by an insignificant amount.

**Basis of estimate:** For this estimate, CBO assumes that the legislation will be enacted late in fiscal year 2020 and that the authorized amounts will be appropriated in each year. Estimated outlays are based on historical spending patterns for similar activities.

H.R. 2795 would authorize appropriations totaling \$355 million over the 2020–2025 period. CBO estimates that implementing the bill would cost \$245 million over the same period.

**National Wildlife Corridors:** Title I would establish the National Wildlife Corridor System on federal land and waters to protect the movement of native species. The bill would authorize the annual appropriation of \$18 million starting in 2020 for the Departments of Agriculture, Defense, Commerce, Transportation, and the Interior to issue regulations on designating wildlife corridors and to manage those corridors. CBO estimates that implementing title I would cost \$97 million over the 2020–2025 period.

**Tribal Wildlife Corridors:** Title II would direct USFWS to establish a program to designate wildlife corridors on tribal land and to provide related technical assistance to tribes. The bill would authorize the annual appropriation of \$5 million starting in 2020 for that purpose. CBO estimates that implementing title II would cost \$29 million over the 2020–2025 period.

**Wildlife Movement Grants:** Title III would direct USFWS to award grants to states, tribes, and other entities to support wildlife movement on nonfederal land. The bill would establish a national coordination committee with representatives from federal agencies,

state agencies, and tribal governments to establish criteria for grant applications and to recommend projects to USFWS. Title III also would direct USFWS to establish regional councils to develop regional wildlife movement plans and solicit applications for grants. H.R. 2795 would authorize the annual appropriation of \$50 million for those grants, starting in 2022. CBO estimates that implementing title III would cost \$103 million over the 2020–2025 period.

**Other Provisions:** H.R. 2795 would authorize appropriations totaling \$10.5 million over the 2020–2025 period for the U.S. Geological Survey to establish and maintain a database on national wildlife corridors. The bill also would authorize the annual appropriation of \$1 million starting in 2020 for USFWS to provide administrative support to the regional councils established under title III. CBO estimates that implementing those provisions would cost \$16 million over the 2020–2025 period.

**Pay-As-You-Go considerations:** The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. H.R. 2795 would authorize USFWS to accept cash donations; such collections are classified in the budget as offsetting receipts, which are shown as reductions in direct spending, and those amounts would be available to spend without further appropriation. CBO expects that any donations would be offset soon thereafter by expenditures and thus the net effect on direct spending would be negligible.

Income from mineral leasing, timber production, grazing, and special use permits is classified in the budget as offsetting receipts. Under H.R. 2795, the federal government could forgo receipts because land designated as wildlife corridors could be withdrawn from availability for those uses; however, CBO estimates that any reduction in those receipts would be insignificant over the 2020–2030 period.

**Increase in long-term deficits:** CBO estimates that enacting H.R. 2795 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2031.

**Mandates:** None.

**Estimate prepared by:** Federal Costs: Janani Shankaran; Mandates: Andrew Laughlin.

**Estimate reviewed by:** Susan Willie, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

**2. General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to establish a National Wildlife Corridors system to provide for the protection and restoration of certain native fish, wildlife and plant species, as well as create a Tribal wildlife corridors system.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

## UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

## FEDERAL ADVISORY COMMITTEE ACT STATEMENT

Section 302 of the bill establishes a National Coordination Committee, and Section 303 establishes several regional wildlife movement councils. In reporting the bill favorably to the House of Representatives, the Committee on Natural Resources finds that these functions would be better performed by the proposed entities than by one or more agencies or an existing advisory committee.

## EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139. The Wildlife Movement Grant Program required by section 301 of the bill is related and complementary to, but not duplicative of, the following programs identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104: Conservation Reserve Program (CFDA No. 10.069), Environmental Quality Incentives Program (CFDA No. 10.912), Conservation Stewardship Program (CFDA No. 10.924), Agricultural Conservation Easement Program (CFDA No. 10.931), Fish, Wildlife and Plant Conservation Resource Management (CFDA No. 15.231), Plant Conservation and Restoration Management (CFDA No. 15.245), Threatened and Endangered Species (CFDA No. 15.246), Wildlife Resource Management (CFDA No. 15.247), and Partners for Fish and Wildlife (CFDA No. 15.631).

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

## PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**FEDERAL LAND POLICY AND MANAGEMENT ACT OF  
1976**

\* \* \* \* \*

## TITLE II—LAND USE PLANNING; LAND ACQUISITION AND DISPOSITION

\* \* \* \* \*

### LAND USE PLANNING

SEC. 202. (a) The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.

(b) In the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forest System with the land use planning and management programs of and for ~~Indian tribes by~~ *Indian tribes*—

(1) *by among other things, considering the policies of approved tribal land resource management programs*~~].~~; and

(2) *for the purposes of determining whether the land use plans for land in the National Forest System would provide additional connectivity to benefit the purposes of a Tribal Wildlife Corridor established under section 10(a)(1) of the Wildlife Corridors Conservation Act of 2019.*

(c) In the development and revision of land use plans, the Secretary shall—

(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;

(2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;

(3) give priority to the designation and protection of areas of critical environmental concern;

(4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values;

(5) consider present and potential uses of the public lands;

(6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(7) weigh long-term benefits to the public against short-term benefits;

(8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and

(9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under chapter 2003 of title 54, United States Code, and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary



shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Governmental plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

(d) Any classification of public lands or any land use plan in effect on the date of enactment of this Act is subject to review in the land use planning process conducted under this section, and all public lands, regardless of classification, are subject to inclusion in any land use plan developed pursuant to this section. The Secretary may modify or terminate any such classification consistent with such land use plans.

(e) The Secretary may issue management decisions to implement land use plans developed or revised under this section in accordance with the following:

(1) Such decisions, including but not limited to exclusions (that is, total elimination) of one or more of the principal or major uses made by a management decision shall remain subject to reconsideration, modification, and termination through revision by the Secretary or his delegate, under the provisions of this section, of the land use plan involved.

(2) Any management decision or action pursuant to a management decision that excludes (that is, totally eliminates) one or more of the principal or major uses for two or more years with respect to a tract of land of one hundred thousand acres or more shall be reported by the Secretary to the House of Representatives and the Senate. If within ninety days from the giving of such notice (exclusive of days on which either House has adjourned for more than three consecutive days), the Congress adopts a concurrent resolution of nonapproval of the management decision or action, then the management decision or action shall be promptly terminated by the Secretary. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the management decision or action. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (ex-

cept that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same management decision or action. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) Withdrawals made pursuant to section 204 of this Act may be used in carrying out management decisions, but public lands shall be removed from or restored to the operation of the Mining Law of 1872, as amended (R.S. 2318–2352; 30 U.S.C. 21 et. seq.) or transferred to another department, bureau, or agency only by withdrawal action pursuant to section 204 or other action pursuant to applicable law: *Provided*, That nothing in this section shall prevent a wholly owned Government corporation from acquiring and holding rights as a citizen under the Mining Law of 1872.

(f) The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.

(g) *TRIBAL WILDLIFE CORRIDORS.—On the establishment of a Tribal Wildlife Corridor under section 10(a)(1) of the Wildlife Corridors Conservation Act of 2019, the Secretary shall conduct a meaningful consultation with the Indian tribe that administers the Tribal Wildlife Corridor to determine whether, through the revision of 1 or more existing land use plans, the Tribal Wildlife Corridor can—*

- (1) be expanded into public lands; or*
- (2) otherwise benefit connectivity (as defined in section 3 of that Act) between public lands and the Tribal Wildlife Corridor.*

\* \* \* \* \*

COMMITTEE CORRESPONDENCE



Committee on Transportation and Infrastructure  
U.S. House of Representatives

Peter A. DeFazio  
Chairman

Washington, DC 20515

Sam Graves, MO  
Ranking Member

February 13, 2020

Katherine W. Dedrick, Staff Director

Paul J. Sans, Republican Staff Director

The Honorable Raúl M. Grijalva  
Chairman, Committee on Natural Resources  
House of Representatives  
1324 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Grijalva:

I write concerning *H.R. 2795, the Wildlife Corridors Conservation Act of 2019*. There are certain provisions in this legislation that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite floor consideration of H.R. 2795, the Committee on Transportation and Infrastructure agrees to forgo action on the bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I also request that you urge the Speaker to name members of this Committee to any conference committee which is named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee report on H.R. 2795 and into the *Congressional Record* during consideration of the measure on the House floor.

Sincerely,

Peter A. DeFazio  
Chair

cc: The Honorable Nancy Pelosi  
The Honorable Sam Graves  
The Honorable Rob Bishop  
Mr. Thomas J. Wickham Jr., Parliamentarian

RAUL M. GRIJALVA OF ARIZONA  
CHAIRMAN

DAVID WATKINS  
STAFF DIRECTOR

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**  
February 13, 2020

ROB BISHOP OF UTAH  
RANKING REPUBLICAN

PARISH BRADEN  
REPUBLICAN STAFF DIRECTOR

The Honorable Peter A. DeFazio  
Chair  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
2165 Rayburn House Office Building  
Washington, DC 20515

Dear Chair DeFazio:

I write to acknowledge your letter dated February 13, 2020 stating that the Committee on Transportation and Infrastructure will forgo formal consideration of H.R. 2795 the "Wildlife Corridors Conservation Act of 2019."

The Committee on Natural Resources confirms our mutual understanding that your Committee does not waive any jurisdiction over the subject matter contained in this or similar legislation. Additionally, the Committee on Natural Resources confirms our mutual understanding that the Committee on Transportation and Infrastructure will be appropriately consulted and involved as the bill or similar legislation moves forward so that you may address any remaining issues within your Rule X jurisdiction. I am pleased to support your request to name members of the Committee on Transportation and Infrastructure to any conference committee to consider such provisions.

I will ensure that this exchange of letters is included in the *Congressional Record* as part of the committee report for H.R. 2795. I appreciate your cooperation regarding this legislation and look forward to working with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva  
Chair  
House Natural Resources Committee

Cc: The Honorable Nancy Pelosi, Speaker of the House  
The Honorable Rob Bishop, Ranking Member  
The Honorable Sam Graves, Ranking Member  
The Honorable Thomas J. Wickham, Jr., Parliamentarian

RAÚL M. GRIJALVA OF ARIZONA  
CHAIRMAN

DAVID WATKINS  
STAFF DIRECTOR

ROB BISHOP OF UTAH  
RANKING REPUBLICAN

PARISH BRADEN  
REPUBLICAN STAFF DIRECTOR

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

June 17, 2020

The Honorable Adam Smith  
Chair  
Committee on Armed Services  
U.S. House of Representatives  
2216 Rayburn House Office Building  
Washington D.C. 20515

Dear Chair Smith,

I write to you concerning H.R. 2795 the, "Wildlife Corridors Conservation Act of 2019."

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Armed Services. I request that your Committee waive formal consideration of H.R. 2795 and acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva  
Chair  
House Natural Resources Committee

Cc: The Honorable Rob Bishop, Ranking Member  
The Honorable Thomas J. Wickham Jr., Parliamentarian

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## COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED SIXTEENTH CONGRESS

June 19, 2020

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 PAUL ARCANDELLI, STAFF DIRECTOR

The Honorable Raúl Grijalva  
 Chairman  
 Committee on Natural Resources  
 U.S. House of Representatives  
 1324 Longworth House Office Building  
 Washington, D.C. 20515

Dear Chairman Grijalva:

I am writing to you concerning H.R. 2795, the "Wildlife Corridors Conservation Act of 2019." There are certain provisions in this legislation that fall within the Rule X jurisdiction of the Armed Services Committee.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, we will not formally consider H. R. 2795. We do so with the understanding that by waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claims over the subject matters contained in the bill which fall within its Rule X jurisdiction.

Please ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective Committees.

Sincerely,



Adam Smith  
 Chairman

AS:jj

## DISSENTING VIEWS

H.R. 2795 is predicated on the assumption that human and wildlife use of land is incompatible, despite thousands of years of experience to the contrary. In pursuit of this faulty assumption, this bill would vastly expand federal land holdings and impose severe restrictions on productive use of the land through the guise of wildlife corridors. This legislation is no more than the establishment of a new layer of federal bureaucracy for the classification of new federal lands throughout this country. This comes at a time when our public land infrastructure is suffocating under a more than \$18 billion maintenance backlog.

Wildlife corridors do not require the heavy hand of federal bureaucrats to administer. In November 2018, then-Interior Secretary Zinke signed Secretarial Order 3362 which explicitly aims to protect migration corridors through greater coordination with States and private landowners.

Experience informs us that pipelines and other critical infrastructure are perfectly compatible with flourishing wildlife populations. For example, the Elbow Fish and Game Club in northern Pennsylvania and the Anadarko Petroleum Corporation have nurtured a partnership between wildlife and natural gas transportation. According to an analysis of the Whitetail Institute of North America, trail cameras along the pipeline have shown that “deer are using the right-of-way as a food source and travel corridor.” The analysis has stated that the tree clearing to establish the right-of-way has allowed sunlight to stimulate undergrowth that has lent itself as habitat to rabbits and songbirds.

As the Property and Environment Research Center so eloquently put it in a statement submitted for the record to the Subcommittee on Water, Oceans and Wildlife during an October 2019 hearing on the bill:

It is critical that efforts to conserve migration corridors transform wildlife from an economic liability into an asset for the private landowners who provide essential habitat. Corridors on federal land begin and end somewhere, and more often than not it is on private land. Lines on a map can be concerning to landowners who won't necessarily see federal interest in migration corridors as a good thing. Corridor designations should respect private property rights and not impose regulatory burdens on landowners. By respecting private property rights and using economic incentives in place of regulation, conservation efforts will better engage more landowners.

The proposed legislation does nothing to take into account the affect the establishment of federal wildlife corridors on public land will have on private property owners adjacent to these public lands

and will ultimately amount to nothing more than increased burdensome federal regulation on these lands. For these reasons, many Republicans oppose this legislation in its current form.

ROB BISHOP.  
LOUIE GOHMERT.  
TOM MCCLINTOCK.  
PAUL GOSAR.

